

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

VANDALINE L. HICKS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A.
	)	
MCLEOD HEALTH,	)	
	)	
Defendant.	)	
	)	

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**DEFENDANT’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant McLeod Health (“Defendant”) files this Notice of Removal to the United States District Court for the District of South Carolina, Florence Division. Removal is proper based on the following grounds:

1. A civil action was filed by Plaintiff on October 11, 2022, and is now pending in the Court of Common Pleas of Florence County, South Carolina. That action appears by the title of *Vandaline L. Hicks v. McLeod Health* and designated as File No. 2022-CP-21-02111 (the “State Court Action”). Plaintiff’s Complaint alleges six causes of action: (1) Race Discrimination under Title VII of the Civil Rights Act of 1964; (2) Retaliation under Title VII of the Civil Rights Act of 1964; (3) FMLA Interference and Retaliation; (4) Violation of the S.C. Payment of Wages Act; (5) Breach of Contract; and (6) Promissory Estoppel.

2. The state court Summons and Complaint were served on Defendant on November 30, 2022. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendant from the State Court Action are attached hereto as Exhibit A.

3. This Notice of Removal is being timely filed within thirty (30) days after receipt by Defendant, by service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based as required by 28 U.S.C. § 1446(b).

4. No further proceedings have been had in the Court of Common Pleas of Florence County as of the date of the filing of this Notice.

5. This Court has original jurisdiction as federal courts can hear “all cases, in law and equity, arising under this Constitution, [and] the laws of the United States...” US Const., Art. III, Sec 2. Plaintiff’s Complaint asserts claims under Title VII of the Civil Rights Act of 1964 and the Family and Medical Leave Act 29 U.S.C. § 2601, *et seq.* Therefore, since these claims asserted by Plaintiff arise under federal law, this Court has jurisdiction pursuant to 28 U.S.C. § 1331.

6. The Court has supplemental jurisdiction over Plaintiff’s state law claim pursuant to 28 U.S.C. § 1367.

7. Written notice of the filing of the Notice of Removal is being served upon Plaintiff, and a copy of this Notice of Removal will be filed with the Clerk of the Court of Common Pleas, Florence County, as provided by 28 U.S.C. § 1446(d).

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) in that this district and division embrace the place where the action is pending.

9. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

10. This removal is made without waiver of any defenses or affirmative defenses, including those under Fed. R. Civ. P. 12, or Defendant’s right to move for dismissal, on substantive or procedural grounds, of any cause of action asserted in the Complaint.

WHEREFORE, Defendant prays that further proceedings in the Florence County Court of Common Pleas for the State of South Carolina be discontinued and that said Civil Action No. 2022-CP-21-02111 now pending in the Florence County Court of Common Pleas for the State of South Carolina be removed to the United States District Court for the District of South Carolina and that such Court assume full jurisdiction of such action as provided by law.

Respectfully submitted,

s/ Ellison F. McCoy

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***ATTORNEYS FOR DEFENDANT***

Dated: December 29, 2022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
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VANDALINE L. HICKS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	C.A.
	)	
MCLEOD HEALTH,	)	
	)	
Defendant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **DEFENDANT’S NOTICE OF REMOVAL** was served this day on counsel for Plaintiff via US Mail and ECF service to:

Julius W. Babb, IV, Esq.  
Cromer Babb Porter & Hicks, LLC  
1418 Laurel Street, Suite A  
Post Office Box 11675  
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Respectfully submitted,

s/ Ellison F. McCoy  
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Dated: December 29, 2022